THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.18449 OF 2005

DATED 16.09.2005

BETWEEN

Smt B.Noorjahan Begum, W/o B.Md.Iqbal, R/o H.No.8-84,

Kosigi-518313. Kurnool District.

...PETITIONER

AND

The District Collector, Kurnool,

And others.

...RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.18449 OF 2005

ORDER:

The petitioner seeks a writ of Mandamus declaring the action of the respondents in threatening the petitioner to vacate from the premises bearing house No.8/84 in an extent of Acs.0.02½ in Survey No.178 of Kosigi village and Mandal as arbitrary and illegal. She also seeks further direction to the respondents 2 to 4 not to interfere with the possession of the petitioner.

The fact of the matter is not much in dispute. The petitioner made a representation to the Mandal Revenue Officer (MRO) dated 21.02.2004 for fixing the boundaries of the land occupied by the petitioner's husband in Survey No.178 of Kosigi village. The petitioner alleges that the petitioner has constructed a shop where the husband of the petitioner is carrying on watch repair, after obtaining necessary electricity connection. After considering the representation of the petitioner, the Mandal Revenue Officer issued a possession/occupation certificate on 28.02.2004. Based on which, the petitioner also applied to A.P.State Housing Corporation Limited for sanction of housing loan during 2003-2004 and the same was sanctioned. However, due to ill-health of her husband, the house could not be constructed. The third respondent issued a notice to the petitioner on 19.07.2005 requesting to submit necessary documents regarding the land in Survey No.178. It is alleged by the petitioner that the third respondent initiated action on the instructions of the second respondent without conducting any enquiry and without taking any action on the representation submitted by the petitioner on 12.08.2005 to respondents 2 to 4.

At the stage of preliminary hearing itself, the learned standing counsel for fourth

respondent after obtaining necessary instructions submitted that the petitioner and her husband occupied the land in Survey No.178 belonging to Sri Anjaneya Swamy Temple, Kosigi, that in the Meeting convened by Mandal Revenue Officer at Kosigi, the petitioner and members of temple committee participated and that the petitioner's husband Mohd.Iqbal agreed to vacate the land and asked time for shifting the material. After expiry of the time on 06.08.2005, the Mandal Revenue Officer issued proceedings directing Panchayat Secretary to take necessary action for vacating the petitioner from the land in Survey No.178. The learned standing counsel has produced the relevant file. The proceedings of the Mandal Revenue Officer at pg.37 of the file would show that the petitioner's husband agreed in the Meeting that he occupied the land belonging to temple and also agreed to vacate the land by 06.08.2005. In that view of the matter, the writ petition is misconceived and is devoid of merit.

The writ petition is accordingly dismissed.

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(V.V.S.RAO,J)

16.09.2005.

pln